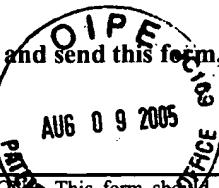


8-10-05  
PART B - FEE(S) TRANSMITTALComplete and send this form, together with applicable fee(s), to: **Mail**
**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**(703) 746-4000**
**or Fax**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29858 7590 05/09/2005

BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER  
LLP  
900 THIRD AVENUE  
NEW YORK, NY 10022  
08/11/2005 WABDELR3 00000014 09763375

01 FC:1501 1400.00 OP  
02 FC:8001 45.00 OP

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompany papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)

(Sign)

(D)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,375	02/21/2001	Yukihiko Okumura	3815/118	4856

TITLE OF INVENTION: DATA TRANSMISSION METHOD, DATA TRANSMISSION SYSTEM, TRANSMITTED AND RECEIVER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	08/09/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
ODOM, CURTIS B	2634	375-253000

## 1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

## 2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Workman Nydegger

2 \_\_\_\_\_

3 \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

NTT DoCoMo, Inc.

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

11-1, Nagatacho 2-Chome, Chiyoda-Ku, Tokyo, Japan 100-6150

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are enclosed:

## 4b. Payment of Fee(s):

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 15

 A check in the amount of the fee(s) is enclosed. Payment by credit card. Form PTO-2038 is attached. The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number 23-3178 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date August 8, 2005

Typed or printed name ADRIAN J. LEE

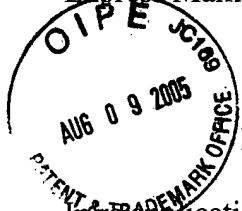
Registration No. 42,785

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Express Mailing Label No.: EV 627625324 US

PATENT APPLICATION  
Docket No: 15689.67



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yukihiko Okumura )  
Serial No.: 09/763,375 ) Art Unit  
Filed: February 21, 2001 ) 2634  
Conf. No.: 4856 )  
For: DATA TRANSMISSION METHOD, DATA )  
TRANSMISSION SYSTEM, TRANSMITTER )  
AND RECEIVER )  
Examiner: Curtis B. Odom )  
Customer No.: 022913 )

CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

I hereby certify that following documents are being deposited with the United States Postal Service as Express Mail (EV627625324US), postage prepaid, in an envelope addressed to: Box: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9<sup>th</sup> day of August 2005.

- Transmittal of Issue Fee and Supplemental Declaration (3 pages)
- PTO Form PTOL-85B transmitting payment of Issue Fee
- PTO 2038 Credit Card form for \$1,445.00
- Postcard

Respectfully submitted,

ADRIAN J. LEE  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913

RICK D. NYDEGGER  
BRENT P. LORIMER  
THOMAS R. VUKSINICK  
LARRY R. LAYCOCK  
JONATHAN W. RICHARDS  
DAVID R. WRIGHT  
JOHN C. STRINGHAM  
JOHN M. GUYNN  
CHARLES L. ROBERTS  
DANA L. TANGREN  
ERIC L. MASCHOFF  
CHARLES J. NEVERKA  
ROBYN L. PHILLIPS  
RICHARD C. GILMORE \*  
STERLING A. BRENNAN  
R. BURNS ISRAELSEN  
DAVID R. TODD  
DAVID B. DELLENBACH  
L. DAVID GRIFFIN  
ADRIAN J. LEE  
FRASER D. ROY  
CARL T. REED

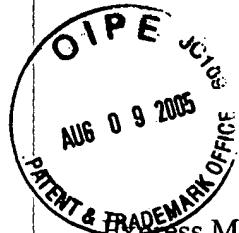


R. PARRISH FREEMAN, JR.  
PETER F. MALEN, JR.  
L. REX SEARS, PH.D.  
WILLIAM R. RICHTER  
ROBERT E. AYCOCK  
JENS C. JENKINS  
MICHAEL B. DODD  
KEVIN W. STINGER  
WILLIAM J. ATHAY  
RYAN D. BENSON  
SARA D. JONES  
TIGE KELLER  
JANNA L. JENSEN  
MATTHEW D. TODD  
J. LAVAR OLDHAM  
MICHAEL J. FRODSHAM  
BRETT A. HANSEN  
BRETT I. JOHNSON  
MATTHEW A. BARLOW  
WESLEY C. ROSANDER  
ANDREW S. HANSEN  
CHAD E. NYDEGGER  
JOSEPH G. PIA  
CLINTON E. DUKE  
RYAN N. FARR \*  
JAMES B. BELSHE  
KIRK R. HARRIS  
KEELY SCHNEITER  
MICHAEL M. BALLARD  
DAVID A. JONES  
SHANE K. JENSEN  
JONATHAN M. BENNS, PH.D.

VERNON R. RICE §  
OF COUNSEL

# WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS



1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UTAH 84111

TELEPHONE: (801) 533-9800

FAX: (801) 328-1707

WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

Express Mailing Label No.: EV 627625324 US

PATENT APPLICATION  
Docket No: 15689.67

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Serial No.: 09/763,375 ) Art Unit  
Filed: February 21, 2001 ) 2634  
Conf. No.: 4856 )  
For: DATA TRANSMISSION METHOD, DATA )  
TRANSMISSION SYSTEM, TRANSMITTER )  
AND RECEIVER )  
Examiner: Curtis B. Odom )  
Customer No.: 022913 )

## TRANSMITTAL OF ISSUE FEE PAYMENT

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance and Issue Fee Due dated May 9, 2005, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above identified patent application:

X Issue Fee Transmittal (PTOL-85B) submitted pursuant to 37 C.F.R. § 1.311.

- A Supplemental Declaration executed by the inventor(s) is submitted pursuant to 37 C.F.R. § 1.67.
- A Certificate of Deposit Under 37 C.F.R. § 1.8 is enclosed.
- Pursuant to the request for submission of formal drawings, enclosed are the following:
  - A Letter to the Official Draftsperson;
  - A set of \_\_\_\_\_ ( ) sheets of formal drawings to replace the corresponding drawings originally filed with the subject application.
  - A duplicate set of the \_\_\_\_\_ ( ) sheets of formal drawings with the changes therein highlighted in red.
- PTO 2038 Credit Card form for \$1,445.00 is enclosed to cover:
  - The \$1,400.00 government issue fee pursuant to 37 C.F.R. § 1.18.
  - The \$0 government publication fee pursuant to 37 C.F.R. § 1.18.(d)
  - The \$45.00 fee for fifteen (15) copies of the patent when issued.
- The Commission is hereby authorized to charge payment of any additional fees or credit any overpayment to Deposit Account No. 23-3178.

Comments on Statement of Reasons for Allowance

On page 2 of the Examiner's Notice of Allowability, the Examiner has indicated that no prior art was found that "Claims 1, 5-7, 10-14, 25, 26, 30-32, 35-39, 50, 51, 54, and 81-99, which have been renumbered claims 1-41, respectively, are allowable over prior references because related references do not disclose if a number of transmitted bits are zero, the calculation of the error-detecting code considers a previously-specified bit pattern to be the error-detecting code to allow

rate detection on the basis of the error-detecting code even with no transmitted data.”

Applicants respectfully submit that the claimed invention as set forth in each of the independent claims and the dependent claims must be read as a whole, and not as a single feature or subcombination of features which represent less than the entirety of the claimed invention as a whole. While a particular feature or subcombination of features referred to by the Examiner in the Statement of Reasons for Allowance may represent a basis for distinguishing the claimed invention over the prior art, Applicants further submit that this may not necessarily be the *sole* ground for distinguishing the claimed invention over the prior art of record. Accordingly, the Examiner’s statement should, in Applicants’ view, not be read as constituting or meaning that the invention can or should be reduced to a single “feature” of the invention or to a subcombination of features that is less than the entire invention claimed as a whole, nor that the single feature referenced by the Examiner or subcombination of features referenced by the Examiner in the Statement of Reasons for Allowance is the only or sole grounds for distinguishing the invention over the prior art of record.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 9<sup>th</sup> day of August 2005.

Respectfully submitted,



ADRIAN J. LEE  
Attorney for Applicant  
Registration No. 42,785  
Customer No. 022913

AJL:ds  
DS0000003845V001